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Introduction

1. In its resolution 1993/22 of 4 March 1993, the Commission on Human Rights recalled that the right to development was an inalienable human right by virtue of which every human person and all peoples were entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms could be fully realized. The Commission recognized that the biggest obstacles to the realization of the right to development lay at the international macroeconomic level; it also recognized the existence of impediments at the national level. In paragraph 10 of that resolution, the Commission decided to establish, initially for a three-year period, a working group on the right to development, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States.

2. In pursuance of Commission resolution 1993/22, the Secretary-General, on 6 December 1993, addressed a note verbale to Governments and a letter to United Nations bodies and specialized agencies and to intergovernmental and non-governmental organizations on the subject of the obstacles to the implementation and realization of the Declaration on the Right to Development.

3. In its resolution 1994/21 of 1 March 1994, the Commission on Human Rights, having considered the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1), requested the Secretary-General to invite Governments, international financial institutions, the regional economic commissions, the relevant bodies and organizations of the United Nations system and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the checklist contained in annex 1 to the report of the Working Group. Pursuant to this request, the Secretary-General, on 26 April 1994, addressed a note verbale to Governments and a letter to United Nations bodies and specialized agencies, intergovernmental and non-governmental organizations transmitting Commission resolution 1994/21, as well as the guidelines and checklist prepared by the Working Group.

4. As of 30 August 1994, replies had been received from the following non-governmental organizations in consultative status: Caritas Internationalis (6 July 1994), Commonwealth Medical Association (11 March 1994), International Confederation of Free Trade Unions (21 February 1994), International Federation Terre des Hommes (21 March 1994 and 5 July 1994), International Planned Parenthood Federation (15 March 1994), Lutheran World Federation (19 April 1994), OXFAM (18 March 1994), Regional Council on Human Rights in Asia (24 June 1994), Soroptimist International (13 January 1994), Women's International League for Peace and Freedom (29 June 1994), World Medical Association (16 December 1993), World Organization against Torture (16 December 1993). Replies were also received

from: Asian Women's Human Rights Council (7 June 1994), International Council of Environmental Law (10 May 1994), International Community Education Association (24 February 1994), Steering Committee for Humanitarian Response (21 March 1994). The present report, prepared for the third session of the Working Group, contains the substantive information and comments provided in their replies by these organizations. 1/

I. REPLIES RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS IN CONSULTATIVE STATUS

CARITAS INTERNATIONALIS

5. Caritas Internationalis is an organization of development and social service and charitable activities. It is a confederation of member organizations in 145 countries; the programmes of these organizations differ according to local needs and conditions. The confederation has many development projects and takes part in emergency operations throughout the developing world. On the basis of its experience, Caritas drew attention to the following points:

(a) Conditions for development:

(i) People-centred focus;

(ii) Tailoring programmes to local needs and conditions;

(iii) Cooperation with Governments, international and United Nations organizations and NGOs;

(iv) Productive and sustainable agriculture;

(v) Advocacy and sensitization.

(b) Obstacles:

(i) Poverty, hunger, and their consequences, including the negative impact on the development of the child;

(ii) Political instability and recurring emergencies;

(iii) Lack of resources;

(iv) Inadequate international assistance.

(c) Recommendations:

(i) Strategy based on satisfaction of basic needs of populations (food, health, education, shelter);

1/ The World Medical Association and the International Community Education Association stated that they had no information to offer on this subject.

(ii) Coordination of international action (United Nations system, bilateral donors, intergovernmental and non-governmental organizations) with national Governments.

(d) Points to draw attention to:

(i) Marginalization of vulnerable groups as a consequence of poverty (decreasing resources for basic social services of health, nutrition, education and training);

(ii) Role of women;

(iii) Solidarity with marginalized groups such as refugees, displaced persons, victims of disasters;

(iv) Conservation of the earth's resources.

6. Concerning methods for the evaluation of progress in development, Caritas could readily express any proposal, but stressed the importance of the monitoring factor.

COMMONWEALTH MEDICAL ASSOCIATION

7. The organization enclosed the report of its expert working group on the role of medical ethics in the protection of human rights. The report contains guiding principles on medical ethics for doctors practising in developing countries with references to associated relevant recognized international human rights instruments.

8. It informed the Working Group that the organization will be holding regional training workshops within the next two years at which it will assist national medical associations from developing countries in the implementation and enforcement of the principles, with special reference to associated human rights.

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS

9. The organization informed the Working Group that it fully supports the principles contained in the Declaration on the Right to Development. As seen by the ICFTU, the denial of freedom of association, of forming and joining a union of one's choice, is one of the most fundamental obstacles to development. The objectives of ICFTU as defined in its Constitution are to "champion the cause of human freedom, promote equality of opportunity for all people, seek to eliminate everywhere in the world any form of discrimination or subjugation based on race, religion, sex or origin, oppose and combat totalitarianism and aggression in any form".

10. The organization enclosed the following documentation for consultation by the Working Group:

(a) Report of the Conference on Democracy, Development and the Defence of Human and Trade Union Rights in Africa, organized by ICFTU and the Botswana Federation of Trade Unions and held at Gaborone from 9-11 July 1991. The conference adopted the Gaborone Declaration of Basic Rights, which will be made available to members of the Working Group;

(b) Free Trade Unions for a Democratic World Order: the Role of ICFTU, a report of the Fifteenth ICFTU World Congress, held at Caracas from 17-24 March 1992. Of particular interest is chapter 3, "Democracy and human and trade union rights", in which the following conclusions are drawn:

> "The universal and interrelated nature of human and trade union rights underlies the reciprocal relationship of need that prevails between free trade unions and true democracies. Free trade unions cannot operate effectively to defend and promote the interests of working people except under conditions of full respect of trade union and human rights which democracy alone can provide; and democracies themselves cannot function, grow, and develop in the absence of the effective popular participation which free trade unions are uniquely equipped to ensure. Moreover, events in recent years, in Central and Eastern Europe and in Africa in particular, have provided evidence of a most concrete kind that denial of basic rights, and the absence of an independent trade union movement leads to material impoverishment and social regression and can have no justification even on the narrowest economic and developmentalist grounds.
>
> "The cause of democracy is gaining ground, and this is due in no small part to the leading role of the trade union movement. Though an important objective per se, the fair election of a freely chosen Government cannot be seen as the final objective. Unfortunately it is not only dictatorships that violate human and trade union rights, and although dictatorships are certainly the main culprits such abuses are no more palatable when inflicted by a Government with votes behind it. This means that trade unions have to be both strugglers for democracy, and practitioners of democracy. The work of trade unions continues in the arena which democracy provides for the discussion and reconciliation of competing views and interests, and must be directed there at promoting the goals of social and economic justice and advance.
>
> "Trade unions do not exist simply to respond to the question of whether we want a democracy or not; clearly we do. They exist also to respond to the infinitely more complex question of what type of democratic society we want. For the ICFTU that response is to be found in the continuing struggle against poverty, to ensure and to preserve peace and to win for working people the freedom to control their own lives and determine their own futures.";

(c) Environment and Development: the Trade Union Agenda, report of the Fifteenth ICFTU World Congress. Chapter 3, "Priorities for action", deals extensively with the role and responsibility of Governments. It reports that:

"The 1980s saw an enormous resurgence in the political and economic philosophy of the so-called 'free market'. In particular, many of the major industrialized countries, led by the United States of America and the United Kingdom have consistently fought to 'free the market' from what are described as the unnecessary legislative and regulatory burdens and restrictions on industry. At the same time there has been an increasing tendency to reduce public sector spending and to derogate activities, previously the responsibility of the public sector, to the private sector.

"As a direct result of this dogmatic approach, basic legislative and regulative standards have been eroded. Industry in many of these countries is indeed 'freer' from the kinds of control to which they were previously subject but there has, at the same time, been a reduction in the standards of both occupational health and safety and environmental protection in many sectors in these countries. In this regard, Governments have failed to fulfil one of their primary functions - protection of the health and well-being of their people and the environment.

"Governments have a responsibility as 'target setters'. Far from passing responsibilities on to industry or 'the market', Governments should be identifying the medium and long-term basis on which economic and industrial development must proceed. However well-intentioned 'industry' may be, it does not possess sufficient objectivity to be able to perform this function and, more importantly, it is not accountable to any electorate.

"Since the publication of the 'Brundtland Report', a large number of Governments have been publicly stressing the importance of the environment and the need to ensure that future economic development is sustainable development. But the reality is that rather less progress has been made than is either merited by the circumstances or to be expected given the public commitment to the environment by Governments. Part of the problem lies in the fact that many of the world's environmental problems are global rather than national and therefore the responsibility of no Government in particular and of all Governments in general. Progress has, as a result been uneven with many countries preferring to 'wait and see' rather than risk taking the lead. Powerful vested interests have played an important role in influencing government policy - or the lack of it - both in the industrialized countries and in the developing world.

"The rise of the transnational corporation (TNC) has been a very visible feature of recent history and this has created special problems for some Governments. TNCs by their very nature have no particular national allegiance, and the vast sums of money they control places them in a particularly influential position in all countries - none more so than the developing countries and, increasingly, the newly restructuring countries of Central and Eastern Europe.

"Governments have a special difficulty in dealing with the TNCs because of the financial muscle that the companies are able to exert. Despite claims to the contrary, Governments - especially in the developing world - are often less powerful than the TNCs which are based in their countries. This disparity can make a mockery of a country's sovereignty and of the democratic process.

"It is because the sovereignty of Governments is, in many instances, severely compromised by the interests and presence in their countries of TNCs that previous notions of 'national sovereignty' have to be reassessed. In addition, it has to be recognized that there are limits to what any Government alone can do to address a global problem. The recent political upheavals all over the world should make us realize that there are some common problems which require common solutions and which, at the same time require a particular Government or Governments to derogate certain responsibilities to a higher global authority."

Chapter 4 of the report indicates that:

"Sustainable development can only be achieved by recognizing that the way the world is currently managed is itself unsustainable. There are a number of important modifications which will be necessary and which have to be universally accepted and applied.

"There can be absolutely no doubt that the world is at an economic and political crossroads. Environmental protection can no longer be seen as the preserve of a few well-intentioned people. The 'environment' is and will remain the business of Governments to an extent never before imagined. The transition towards a sustainable future will require massive Government commitment. To be sure, industry will have to play a full part in ensuring that its activities in the future are sustainable. Industry however cannot take responsibility for the elaboration of the kinds of integrated planning that will be necessary if the goal of sustainable development is to be achieved."

11. The organization also enclosed its annual survey of violations of trade union rights (1993), which will be made available to the members of the Working Group.

INTERNATIONAL FEDERATION TERRE DES HOMMES

12. FITDH organized the extensive distribution of the Declaration on the Right to Development to all its members as soon as it was adopted. The Declaration serves as a foundation for many activities carried out by FITDH in the development sphere. One of its member movements has also conducted a long-term study on this subject.

13. For many years FITDH has been engaged in efforts to support development projects designed inter alia to improve the situation of deprived children and their families. Experience in this area has highlighted the following obstacles to the implementation of the Declaration on the Right to Development.

Insufficient popular participation

14. Popular participation is a vital factor in development. Local and national organizations make a decisive contribution to reducing poverty. In general these are small organizations with the capacity to adapt rapidly to specific situations. They play a role which promotes tranquillity and cohesion in society. They originate among population groups affected by underdevelopment, and are fully aware of the needs and cultures of such groups. When the future of such organizations is uncertain, they are prevented from existing or their members receive threats, this constitutes an obstacle to development and gives rise to a situation conducive to violence.

The ability to act with impunity, especially in economic matters

15. Corruption and the misappropriation of public property are serious obstacles to the implementation of the Declaration on the Right to Development, particularly in countries with meagre resources. The impunity enjoyed by those responsible for such acts of extortion encourages their repetition.

16. FITDH consequently recommends that the Working Group on the Right to Development should:

(a) Call on all member States to encourage and support the development work carried out by local, national and international NGOs, and to guarantee respect for the rights of their members;

(b) Call on all member States to bring to justice those guilty of corruption and the misappropriation of public funds, and to apply a very firm policy in this regard.

INTERNATIONAL PLANNED PARENTHOOD FEDERATION

17. The right to development should specifically mention "women's right to development". One of the first rights in this respect is the right to full information and services to enable women to make informed reproductive and family planning choices.

LUTHERAN WORLD FEDERATION

Introduction

18. The following information seeks to identify in a very concrete way obstacles to the implementation and realization of the Declaration on the Right to Development. This information is based upon the field experience of the Department for World Service of the Lutheran World Federation in programmes of humanitarian assistance and development in 25 countries throughout the world.

19. The submission identifies key obstacles to development as experienced by people working at a local level in field programmes such as in Bangladesh, Cambodia, Croatia, India, Malawi, Mauritania, Nepal and Swaziland. It has been gathered for the specific purpose of providing input from NGO experience and expertise into the discussions of the Working Group on the Right to Development.

I. POLITICAL IMPEDIMENTS

20. The most prevalent obstacle to development identified by LWF-WS field staff is the inability of political leaders and institutions to exercise their responsibilities and obligations for development.

21. In too many countries a culture of corruption at all levels of political institutions is widespread resulting in abuse of responsibilities of those given political leadership, and low morale and motivation of civil servants. The discouragement resulting from this situation is reflected in this rueful comment: "Personally, I don't believe that the theme of government corruption and inefficiency can be too popular a topic of discussion in a United Nations forum, the United Nations being an organization of Governments! But I believe this issue is at the heart of the problem for many developing (and developed) countries."

22. In addition to personal and institutional abuse of responsibilities, government decisions too often reflect vested self-interests, rather than wise political choices made for the good of the country or community. In some countries, this is the result of an uncertain legitimacy due to a power base which is shaky or uncertain. Such Governments have come to power either by force or manipulation and they are in a constant struggle to sustain themselves, let along think, plan and promote the right of their people to develop. The hidden reality is that both the people and their Governments live in continuous fear and anxiety. Such Governments actually think in terms of the people being their potential "enemies" who will sooner or later overthrow them when and if situations allow. Consequently, they are not keen to create a conducive climate that would increase awareness and development.

23. Political institutions too often reflect existing social and economic power structures leading to political decisions which are connected to narrow self-interest rather than the public good. Power structures at all levels often reflect "patron-client" relationships which grow out of previous feudal or class-based social systems. Too often major proportions of development resources are consumed by the patrons within the system before they reach the target people, resulting in a situation whereby development resources which are mobilized locally and from international assistance by the Government are largely wasted.

24. The presence of many political parties can reflect many interests based on ethnic, tribal or other allegiances rather than real social, economic or political platforms. In all cases where government interests are not in the interests of the common good, or when government structures replicate exclusive social or economic relationships, the common people have no opportunity of participation in the functioning and activities of these institutions. Although democratic systems have been adopted in many

countries, they too often function as "elitist democracies". In such cases, and there are many, access to participation in the planning and implementation of the real development needs of the broad population is not possible. For these reasons, the question arises as to whether it is necessary to reassess understandings of democratization in relation to development needs. Massive non-formal education programmes both for children and adults should be launched, preferably in the non-governmental sector, focusing on literacy as well as awareness raising. It is not until people require politicians and civil servants, to act honestly and efficiently that any real change will take place.

II. RELIGIOUS AND CULTURAL CUSTOMS AND PRACTICES

25. Deeply ingrained attitudes based on religious and cultural beliefs make change difficult. In many cases, this can be an obstacle to development. It is not uncommon to hear people resist change with the words "It's not our custom", thereby implying that change is not possible. However, pressures exist which challenge this resistance to change: for example, what is and will be the effect of AIDS on the customs of some societies that allow men to have several wives while changing girlfriends at the same time? Or is the emphasis on quantity over quality in cattle ownership sustainable in the face of environmental degradation?

26. Although religious conflict can hamper development work, religious fundamentalism is more often the obstacle to development. This happens when religious and cultural beliefs are manifested as social practice and religious preservation becomes social fact. This can be seen in the widespread resistance to change of the status of women. The idea that women should have access to education, for example, can be contrary to established beliefs and therefore resisted. Work towards improving the literacy of women, for example, becomes a problem. Likewise, questions of population control are difficult to address because of religious beliefs attacked to issues of reproduction and family size.

27. Religious and culturally based attitudes are an obstacle to development in another way, for example when there is resistance to change because of a deeply engrossed sense of fatalism among people. There may be an acceptance of one's lot in life and a regarding of one's circumstances as inevitable and therefore not subject to change through human intervention. Attempting to bring about attitudinal changes and the will to better one's situation are critical to the success of development efforts but also extremely difficult.

III. ETHNICITY AND CASTESM

28. Development is affected when legal and political boundaries conflict with ethnic and social boundaries in situations where people then choose to identify themselves with tribal or ethnic divisions rather than with a wider community. At the level of nation States, or within nation States, this is only too evident in vicious genocide and civil war.

29. On a more local level, however, ethnicity and casteism can affect even small projects. For example, in declaring itself an egalitarian society, the

Indian Constitution prohibits discrimination on the basis of caste. It has declared the practice of untouchability illegal. But because social change lags behind changes in the law, many aspects of the caste system are still a reality. Untouchability is today less widely accepted and even less widely practised. Nevertheless, in certain parts of India, untouchability still means, for instance, that "untouchable castes" do not have access to the same drinking water well as upper castes. As a consequence of caste relations, separate sources of water sometimes have to be provided to ensure that the whole community has access to them.

IV. STRUCTURAL SOCIAL AND ECONOMIC UNDERDEVELOPMENT

30. One fundamental obstacle to development are the structural social and economic systems which create poverty and underdevelopment. Poverty is caused, not by lack of resources, but by exploitative socio-economic systems. In some ways, these "induced" obstacles mean that development potential is greater if they can be overcome.

31. In such situations social, political and economic institutions mutually reinforce one another in favour of those holding power or patron-client relationships. Common people have no opportunity for real participation in the activities of these institutions, nor do they work for the benefit of the common people.

32. On a macro level, large financial institutions, such as the World Bank and the International Monetary Fund, do not adequately try to coordinate with those working with development issues at the grass-roots levels, who are in closer contact with disadvantaged groups. These large organizations, in introducing mandatory economic reform plans, should coordinate from the beginning with grass-roots organizations in order to be aware of the social impact of the plans developed. They should include a social development plan with the objective of cushioning the negative side effects of their plans for the least developed and poorest in the community.

33. Another obstacle to development which is connected to financial institutions is the lack of financial resources and the inaccessibility of the poor to credit facilities. The poor lack financial resources for investment in productive income-generating activities. More banks and financial institutions should be created in the non-formal sector to effectively manage and provide credit to the poor without collateral, or existing bank approaches should be revolutionized to make a place for the financial participation of the poor. Development is not possible without adequate access of the poor to the international marketplace.

34. One effect of structural underdevelopment is poor peoples' lack of skills for development. Due to lack of education and poverty, poor people lack the appropriate skills to participate in off-farm and non-traditional income-generating activities necessary for economic transformation (out of agriculture) in rural areas. Massive need-based skills development training programmes should be organized in the governmental and non-governmental sectors, accompanied by the necessary extension and marketing support.

35. The question of land ownership is also an important obstacle to development. Farmers will only be motivated to develop and take care of natural resources if they have the right to use, develop and harvest land which they can pass on to future generations. Land is too often in the hands of speculators, rich landowners or Governments.

36. Related to land ownership, the growing marginalization of the rural population is another obstacle to development. The rapid growth of population in overcrowded land causes subdivision and fragmentation of land and other assets resulting in the marginalization and impoverishment of the rural population and growing rural-urban migration. In response to this, the rapid growth of population should be contained through mass and comprehensive population education programmes involving rural communities and support services through the emerging peoples' organizations and NGOs. Planned growth of secondary regional urban centres are necessary to avoid overconcentration of populations.

37. Conflict between groups resulting from political decisions can result around very practical but important matters relating to development. In Mauritania, artificially created boundaries, especially in the Sahel, obstruct the free movement of nomads with their herds. This prevents them from finding the best grazing areas, which may vary with rainfall every year, and creates overgrazing and conflicts between nomads and agriculturists in restricted areas.

V. HUMAN RIGHTS

38. The lack of capacity to support and implement human rights principles is a primary obstacle to development. In many countries the open and/or camouflaged violation of human rights inhibits development processes and climate. An atmosphere of insecurity (political, economic and social) persists due to political violence, violation of women's rights and the rights of minorities and indigenous people, as well as economic exploitation of the poor by the rich. Political movements arising from the struggle for independence have created a multiplicity of political ideologies and factionalism. Support and assistance should be provided, both at national and international levels, to independent human rights and women's rights groups promoted at the grass-roots level. Programmes for legal educational and support services should be widely implemented for the rural population.

39. One human rights issue requiring special mention and prevalent throughout the world is the lack of recognition and protection of the human rights of women. Women have less access to basic economic and social rights (food, shelter, education, health care, employment, political rights, etc.), which are necessary preconditions for participation in development processes. Through legislation and government policies equal rights of women to basic human needs should be ensured, and the equal share of women in the implementation and benefits of development programmes has to be guaranteed.

VI. RECURRENT NATURAL DISASTERS

40. The process of sustainable development is frequently interrupted by natural calamities and loss of life. Basic security for the poor is lacking and asset accumulation is subject to serious disruption. Massive disaster preparedness education and training should be provided to rural populations to cope effectively with disaster situations at the local level.

VII. LINK BETWEEN EMERGENCY AND DEVELOPMENT SUPPORT FOR HUMANITARIAN ASSISTANCE

41. In the midst of emergency response in natural and complex emergency situations, opportunities leading to development should be sought, especially rebuilding existing but damaged infrastructure. Humanitarian assistance support mandates should provide for the capacity to begin rehabilitation work in the midst of emergency situations. Models for creating the conditions for peace should be built, where possible, even before peace comes.

OXFAM

42. When addressing the First session of the Preparatory Committee for the World Summit for Social Development, OXFAM stated, inter alia, that for too long the development debate had ignored the fact that poverty tended to be characterized not only by material insufficiency, but also by a denial of rights. In some cases, this involved the violation of basic civil and political rights, in others, the withholding of social and economic necessities.

43. In the view of the organization, development assistance had a vital role to play in reducing poverty, which should not consist in simply increasing levels of official development assistance but also in better targeting of international and national poverty alleviation programmes, including an urgent shift of resource allocation in favour of the poorest people.

44. Furthermore, OXFAM expressed the belief that the debt crisis of the world's poorest countries was a human rights issue. The debt stock of those countries had tripled to US$ 180 billion since the early 1980s. Serving that debt had absorbed over a quarter of the export earnings of low-income countries - some US$ 10 billion annually in the case of sub-Saharan Africa. Those were financial resources desperately needed for investment in the health and education of African people. The fact that African Governments were spending three times more on debt payments than on the health of their citizens was, in the view of the organization, a scandal which ought not to be tolerated by the international community.

45. OXFAM also referred to the important role that the High Commissioner for Human Rights could play in removing the obstacles to the full realization of human rights, which would only be achieved if it was backed by institutional reform and political will on the part of member States. To achieve this, the organization identified the following tasks:

(a) To clarify the nature, scope and content of the specific rights in the International Covenant on Economic, Social and Cultural Rights;

(b) To clarify the international legal obligations of international financial institutions (IFIs);

(c) To coordinate a human rights impact assessment of the World Trade Organization;

(d) To scrutinize the policies and procedures of the family of United Nations agencies, including the Bretton Woods institutions, in order to ensure that they conformed to international human rights standards;

(e) To require regular reports from IFIs to treaty-monitoring bodies.

46. On the subject of forced evictions, the organization stated that millions of people had been uprooted by large-scale development projects, their cultures devastated and their livelihoods destroyed. The scale of the catastrophe had led to the adoption of international resettlement guidelines, but they had not been widely or consistently enforced. In view of the importance it attacked to this issue, OXFAM recommended that not only should a special rapporteur be appointed, but also that the Development Assistance Committee of the Organisation for Economic Cooperation and Development should undertake, as a matter of priority, a study of the aid programmes of its member States in order to assess their involvement in projects entailing involuntary displacement and the extent to which they had implemented the OECD guidelines on involuntary resettlement. It also called upon the European Commission to ascertain the extent to which its development assistance programme was involved in involuntary displacement.

47. Finally, the organization urged universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women. The low status accorded to women in many cultures and societies and the social roles they performed had often led to their being denied the right to access to information, to adequate nutrition and health and to family planning services. As a result, some 500,000 women died each year from avoidable causes.

48. In a briefing on 7 March 1994, entitled "Multilateral debt as an obstacle to recovery: the case of Uganda", OXFAM pointed out that of the many obstacles to reducing poverty and generating recovery in Uganda the country's debt crisis was among the most formidable. That crisis was draining Uganda of financial resources needed for investment in the health and education of its people, and was undermining the prospects for sustainable economic recovery. The severity of Uganda's debt problems was compounded by the overwhelming weight of debt owed to multilateral institutions. Under existing rules for reducing debt, the debt could not be rescheduled or reduced. Unless those rules were changed, multilateral creditors would continue to account for over 60 per cent of the country's debt-service payments, and the International Monetary Fund would continue to drain Uganda of financial resources.

49. In conclusion, OXFAM stated that the Government of Uganda had undertaken all possible measures under existing debt-reduction rules to deal with its debt servicing problem including adhering to a structural adjustment programme agreed with the World Bank and the IMF. Both those institutions and many developed country Governments had pointed to Uganda as a model of economic good practice. In OXFAM's view, however, the fact that those Governments had

failed to address the country's debt crisis was evidence both of their short-sightedness in jeopardizing a "showcase" recovery programme, and of a wider failure of international leadership. For the people of Uganda, that failure was raising the spectre of a social and economic disaster which could - and must be averted. As with the wider debt crisis in sub-Saharan Africa, what made Uganda's plight so tragic was that it could be so easily resolved. All that was needed was one vital but missing ingredient: political will.

50. In another example, which was cited in the "Oxfam Newsletter on Development Policy Issues" of February 1994, the organization focused on the social costs of "flexible" labour markets in Chile. It pointed out that what the World Bank called the "short-term" social costs of adjustment had lasted 17 years in the case of Chile. Falling real wages and high unemployment meant that poverty levels had doubled during President Pinochet's period in office from 1973-1990. Forty per cent of the population was living in poverty in 1990, compared with 20 per cent in 1970. Inequality had also increased significantly - the richest 20 per cent of households had increased their share of total consumption from 45 per cent in 1969 to 60 per cent in 1989.

51. Although employment had picked up from the mid 1980s and income levels had begun to rise after the new civilian government took power in 1990, inequality and poverty had persisted. Those engaged in the new "flexible" forms of employment, frequently women now constituted the majority of the poor. The social problems generated by the new working practices were proving difficult for even the most well-meaning redistributive policies to tackle.

52. In May 1993, OXFAM published its report, "Africa, make or break: action for recovery", in which the organization pleaded for a Marshall Plan for Africa. The report will be made available to members of the Working Group.

53. All other documents referred to in the text are available for consultation in the secretariat.

REGIONAL COUNCIL ON HUMAN RIGHTS IN ASIA

54. The Council's Philippine Section has extensively discussed the right to development, including the Declaration on the Right to Development, in the context of Philippine development policies and strategies. On 26 and 27 February 1994, the Council's Philippine Section sponsored a Forum on Philippine Development Strategies in the Context of Human Rights and Development.

55. The Forum sought to develop a human rights framework for development; analyse Government's development programmes and policies in relation to internationally accepted human rights norms and principles; identify the impact of Government's development strategies and policies on human rights; and propose a unified action programme to guide non-governmental and peoples' organizations in their efforts to secure authentic human development.

56. The Forum was conceived in response to the new economic programme adopted by the Philippine Government for the period 1993 to 1998. The Medium-Term Philippine Development Plan, 1993-1998 aims to develop the Philippines as a

newly industrialized country by the year 2000. It looks at Singapore, the Republic of Korea and Thailand as its models. Among the macroeconomic and sectoral policies and strategies which make up this development plan are changes in credit and monetary management and the fiscal sectors, agro-industrial development, human development, infrastructure development and development administration. Many of the policies and strategies of this development plan fall conveniently within the framework of the structural adjustment requirements of both the International Monetary Fund and the World Bank.

57. Already, there appear to be at least three phenomena arising from the Government's development programme. First, prime agricultural lands are being converted into agro-industrial lands, resulting in (i) the obstruction - and even subversion - of land redistribution and land reform schemes; (ii) the eviction, dislocation and displacement of tenant farmers and their families; (iii) the loss of livelihood, food and shelter of small farmers and tenant farmers and their families; and (iv) land speculation, resulting in a rapid increase in land prices.

58. Second, foreshore land is being converted into resorts to attract tourism, resulting in (i) displacement of fisherfolk; (ii) the loss of livelihood and food for the fisherfolk and their families; (iii) the destruction of the natural habitat; (iv) the depletion of fish and other sea species; and (v) the destruction of coral reefs.

59. Third, the development programme in Kalinga-Apayao, Northern Luzon, is an open invitation to militarization, in order to allow the entry of logging corporations into selected valleys (Paco Valley, Marag Valley, Connor). This has resulted in (i) growing numbers of internal refugees; (ii) eviction, displacement and dislocation of forest communities; (iii) depopulation of the affected areas; (iv) loss of livelihood, food and shelter for the displaced persons; and (v) destruction of property and natural resources.

60. In order to effect the implementation of the Declaration on the Right to Development, the Council respectfully proposes the following:

(a) The exercise and enforcement of the right to development is largely dependent on Government's political will, on the priority afforded it by the State, and on the level of compliance by Government with its obligations. There is, therefore, a pressing need to develop a national framework for development, consistent with internationally accepted human rights norms and principles. The national framework for development should include clear and concise definitions of national policy objectives; development strategies and models should emanate from the national framework for development and national policy objectives;

(b) In particular, the Government's debt policy, fiscal and monetary policy, tax policy and national budgetary priorities should be reviewed in relation to the national framework for development and national policy objectives and any inconsistencies should be corrected;

(c) The Government's current economic development policies and strategies are greatly influenced by international financial institutions like the World Bank and the International Monetary Fund. The role, level of intervention, policies and programmes of these two institutions should be examined and assessed in relation to the national framework for development and national policy objectives. Guidelines should therefore be established and strictly implemented;

(d) Industries and economic activities vital to national development plans, goals and objectives, such as energy production, telecommunications and public transport, should be placed under social control.

61. The Council has unfortunately been unable to establish a special unit within its organization tasked particularly with the implementation of the right to development. The Council, however, shall continue to provide due attention to the right to development in the ASEAN region.

62. The Council has identified the following as the main obstacles to the implementation and realization of the Declaration on the Right to Development in the Philippines.

63. First is the absence of active, free and meaningful people's participation in the planning and implementation of development strategies. In reality, whatever consultations the Government claims to have conducted prior to the adoption of its Medium-Term Philippine Development Plan, 1993-1998 were selective, unbalanced and inconsistent. Moreover, no real critical or analytical discussions were held during those consultations; rather, the consultations were utilized as a means to propagate the Government's development perspective, not as a means of generating real public opinion and discussion on development programmes and strategies, nor eliciting proposals, comments and suggestions from the people.

64. Second, the Government's fundamental premise with respect to development is fatally flawed in that it equates development with the growth of the economy, not with improving thee quality of life of the people. Hence, the Government's development strategies and programmes fail to identify and address the basic problems of the country, such as hunger, malnutrition, poverty, illiteracy, unemployment and underemployment, lack of adequate health protection for all, lack of adequate housing, and non-accessibility and non-affordability of prime commodities.

65. Third, and even worse, the Government's failure to consider equity in development - that is, the equitable distribution of the profits of development - makes its development programmes and strategies particularly skewed against the poor and the marginalized. In reality, the Government's development plans and strategies are aimed at benefiting foreign investors, local elite, big business and the International Monetary Fund/World Bank, not the poor, the disenfranchised and the dispossessed who make up the majority of the Philippine population.

66. Fourth, the situation is made worse by the Government's failure to adopt and implement control and safety mechanisms that would ensure the country's sovereignty over its natural resources, its political, economic and social

independence, and control over the economic activities of transnational corporations and other foreign and domestic investors so as to prevent the exploitation of the people and to ensure that such activities contribute to the equitable distribution of wealth and income among the different social classes.

67. Fifth, the Government has failed to give due regard to cultural concerns and considerations, particularly of the indigenous peoples.

68. Sixth, the Government has failed to consider the effects of its development programmes and strategies on the Philippine environment.

69. The Council respectfully proposes that the following Draft Standards for the Achievement of Authentic Human Development, as agreed upon by the participants at the Forum on Philippine Development Strategies in the Context of Human Rights and Development on 27 February 1994, be utilized to assess progress in achieving the right to development:

1. Individuals, groups and peoples are the central focus of development and should be the active participants and beneficiaries of development.

2. Authentic human development should be founded on respect for the dignity and value of the human person and should ensure the promotion of human rights and social justice, requiring the comprehensive, balanced, effective and holistic recognition and implementation of civil, political, economic, social and cultural rights.

3. Authentic human development is the continuous raising or the material, moral and spiritual standards of living of all members of society. It is achieved by respect for the individual and collective human rights and fundamental freedoms, such as:

(a) Individual rights to life, dignity and development, including:

(i) Eliminating hunger and malnutrition and guaranteeing proper nutrition;

(ii) Eliminating poverty and guaranteeing a steady improvement in the levels of living and a just and equitable distribution of income;

(iii) Achieving the highest standards of health and providing health protection for all, particularly women and children;

(iv) Eradicating illiteracy and guaranteeing universal access to knowledge, including gender, cultural and ecological sensitivity, and ensuring quality and relevant education which responds to the people's aspiration for authentic human development;

(v) Providing adequate housing and community services;

(vi) Creating jobs, promoting full productive employment, eliminating unemployment and underemployment, encouraging self-employment, establishing equitable and favourable conditions of work, guaranteeing just remuneration for labour without any discrimination, and guaranteeing the rights to form and join associations, bargain collectively and take collective action;

(vii) Enhancing the equitable and beneficial distribution and use of rural and urban land;

(viii) Ensuring control of and access to natural resources;

(ix) Ensuring the accessibility and affordability of essential commodities, and protecting all consumers;

(b) Collective rights to survival, self-determination and development, including:

(i) National independence, based on the right to self-determination;

(ii) Non-interference in the internal affairs of States;

(iii) Respect for sovereignty and territorial integrity;

(iv) Permanent sovereignty over natural wealth and resources;

(v) The right and responsibility to determine freely the objectives of authentic human development, to set priorities and decide on the means and methods of achievement, without external interference.

4. Authentic human development requires the full utilization of human resources, including:

(a) The adoption of measures to ensure the effective participation of all members of society in policy-making and in the preparation, implementation and monitoring of national development plans and programmes;

(b) The adoption of measures to increase the rate of popular consultation and participation in policy-making and in the preparation, implementation and monitoring of national development plans and policies through non-governmental organizations, sectoral organizations, people's organizations, cause-oriented organizations, and the like;

(c) Mobilization of public opinion at both the national and international levels in support of the principles and objectives of authentic human development;

(d) Dissemination of information to make people aware of changing circumstances in society;

(e) Support and development of creative initiatives under conditions of enlightened public opinion;

(f) Ensuring to disadvantaged or marginalized sectors equal opportunities for authentic human development.

5. Government has the primary role, duty and ultimate responsibility for:

(a) Ensuring authentic human development by promoting individual and collective human rights, which may involve the introduction of changes in social structures;

(b) Planning development measures as part of comprehensive development plans;

(c) Encouraging and coordinating all national efforts towards authentic human development;

(d) Formulating appropriate national development policies which aim at the constant improvement of the well-being of all people in society, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting from development;

(e) Effectively identifying, avoiding or minimizing obstacles to authentic human development resulting from failure to observe civil, political, economic, social and cultural rights;

(f) Taking steps to establish legal and administrative measures to protect and improve the human environment.

SOROPTIMIST INTERNATIONAL

70. Soroptimist International thinks that the lack of education for too many people and the illiteracy of too many women is an obstacle to the implementation and realization of the Declaration on the Right to Development. The organization works to educate women, sure that this is the key to progress. Education of women is also the theme it has chosen and would like to develop in its six programme areas in connection with the Fourth World Conference on Women to be held in 1995 in Beijing. It is working for women's education in all parts of the world, especially in developing countries.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

71. The right to development has been discussed in the organization, along with obstacles to its realization and implementation. Chief among the obstacles enumerated by members are:

(a) Debt servicing and interest payments which absorb tremendous portions of national budgets;

(b) The requirement to export in order to earn foreign currency to pay the debt, which detracts from a country's capacity to produce for domestic needs, depresses commodity prices even further, and causes environmental devastation;

(c) Structural adjustment programmes imposed by the international financial institutions and implemented by Governments (having been shown to increase poverty and unemployment and to cut desperately needed health, education and welfare programmes, thus violating the right to development, particularly the rights to food, housing, education, work and health care); and

(d) "Jobless growth" through capital-intensive automation that leads to maximization of profit and at the same time destruction of jobs.

72. The organization is concerned that continuation of the above-mentioned policies and the coming into force of rules now being formulated in the context of the World Trade Organization will exacerbate obstacles to realization of the right to development. Rather than putting people first, these policies are intended to maximize profit and will most benefit banks and other transnational corporations. Countries that are net importers of food will be disadvantaged; prices of necessities such as medicines will most likely increase; many farmers will have to compete with cheaper imports and may not survive; and Africa will be marginalized in world trade, causing further deterioration in living standards of its already impoverished people.

73. Rather than considering international trade and competition in the "free market" as the motor of development and growth, the League sees the need for a new form of globalization in which production is democratically controlled and aims at satisfying human and social needs and protecting the environment. Social objectives should be integrated into macroeconomic policy in order to prevent unemployment, poverty and environmental degradation, instead of devising compensatory programmes to cope with the consequences of harmful policies.

74. The undemocratic nature of the Bretton Woods institutions - based on "one dollar, one vote" rather than on one country, one vote - is in itself an obstacle to the right to development. Conflict, militarization and war are predictable results of the policies they have been imposing. From Yugoslavia to Somalia and Rwanda, foreign debt, economic restructuring, unemployment, and falling living standards destabilized already difficult conditions and created climates in which ethnic hatred and conflict were easy to manipulate. Addressing the root causes of these conflicts and taking steps to eliminate them would be much more rational, much more humanitarian, and cheaper in the long run than sending military forces to deal with the consequences of ill-conceived macroeconomic policies.

75. Genuine people-centred development would reverse the catastrophic course the world is now on.

WORLD ORGANIZATION AGAINST TORTURE

76. As an organization struggling against torture and endeavouring to promote respect for human rights, over the last few years the World Organization against Torture has taken an increasing interest in the issue of the right to development. It believes the right to development to be an inalienable right and, given that development encompasses so many other fundamental rights, it is inextricably linked to human rights as a whole.

77. In the last few years the organization has published a number of studies on the topic and organized some activities with a view to discussing the issue to gain a better understanding of what is at stake. A report, Development and Human Rights, was prepared for the Second United Nations Conference on the Least Developed Countries held in Paris in 1990 and provides an evaluation of the human rights situation in those countries. In the report, the organization questions whether development is compatible with human rights. In the search for an answer, the organization addresses a number of issues.

78. In the view of the organization all development models so far have limited the exercise of human rights. The neo-classical and Keynesian approaches to development concentrated on growth only, thereby neglecting the important subject of distribution of wealth, which, according to these schools of thought, would resolve itself once the national economy had sufficiently recovered. This produced negative consequences at the human rights level and gave rise to violent social unrest. With respect to socialist models of development, the organization states that by their nature such models disregard certain fundamental rights and inevitably compromise democracy. In socialist systems, violations of human rights are due less to exacerbated social and economic conflicts than to the absence of social, political and cultural freedom.

79. The organization describes how in the 1970s many developing countries, in response to the deficiencies in the existing models, adopted policies which were more suited to their own cultural traditions. The socio-economic crises and deadlocks of the recent past have now triggered off more radical reactions. New movements have arisen which not only question Western economic and political domination, but also challenge the very foundations which have underpinned progress and development - Western culture, values and rationale. This has set the stage for the emergence of populist and religious fundamentalist movements whose claim to legitimacy is as defenders against the corruption of the West and personifiers of the true values of the people. Such approaches to development promote the very dangerous notion of the non-universality of human rights.

80. On the subject of economic and social conditions justifying failure to respect human rights, the World Organization against Torture states that, in the final analysis, there are very few instances in which the exercise of freedoms and rights may be restricted because of a State's underdeveloped status, and that these restrictions should, in any event, only be temporary. However, it is apparent that too often the social and economic conditions of

certain States - while very serious - are used to justify unacceptable limits placed by their Governments on certain fundamental rights. This attitude is not only in contradition with the law, but can constitute a serious obstacle to development.

81. In December 1991 the World Organization against Torture organized a seminar at Manila on the subject of democracy, development and human rights. The General Assembly of the organization, taking into account the experiences of its 160 NGO members and after hearing the reports of international high-level experts, adopted the Manila Declaration which, inter alia, states that a correlation exists between development and a genuine process of democracy based on human rights; that torture, enforced disappearances and summary executions spring from and develop in situations of grave socio-economic and cultural inequalities; and that, even in societies with democratic institutions, the exacerbation of socio-economic conflicts engendered by structural inequalities gives rise to the development of grave and massive violations of human rights. In the Declaration, the General Assembly emphasized that some structural adjustment measures of the international financial and monetary institutions and economic policies of industrialized countries, all of which proclaim their commitment to the defence of human rights, could aggravate these inequalities and imbalances and even lead to social breakdown. Therefore, the Assembly drew the attention of the international institutions and the States Members of the United Nations to the urgent need to implement economic development strategies and promote consistent policies for the protection of human rights.

82. Following the Manila symposium, the organization was approached by a number of NGOs from English-speaking countries in Africa who asked it to organize a meeting with the same theme on the African continent. The meeting took place at Mombasa, Kenya, in May 1993 and resulted in a publication entitled Africa - a New Lease on Life: Towards Economic Policies for the Prevention of Serious Human Rights Violations. Participants at this meeting elaborated a strategy for action based, inter alia, on the understanding that education is fundamental to the promotion of human rights and the consolidation of democracy; that the explanation often invoked by States that the scarcity of resources accounts for some of the obstacles to the implementation of policies for the protection of vulnerable groups of society is not a tenable excuse; that Governments are responsible for the well-being of their populations and that, as a result, they should reallocate funds from certain less vital sectors of the budget, such as military expenditure, towards problems affecting human rights; that all African Governments should ratify the International Conventions on Human Rights and incorporate the norms contained in the conventions into their domestic law so as to make them justiciable for the individual.

83. Copies of the above-mentioned publications will be made available to members of the Working Group, upon request.

II. REPLIES RECEIVED FROM OTHER ORGANIZATIONS

ASIAN WOMEN HUMAN RIGHTS COUNCIL

84. Women's human rights are a matter of sustainable development. Without guarantees at all levels of public and private life, sustainable development cannot be achieved. The peoples of the Asian and Pacific societies, especially the women, are experiencing a recolonization process which does not allow self-determination of their socio-economic, political and cultural directions. The following are suggested ways and means in which progress in achieving the right to development can be assessed.

85. For people-centred, women-inclusive sustainable development, the conditionalities imposed by the international monetary system(s) should be unacceptable. The Asian and Pacific societies should begin to reformulate their development paradigm founded on community-based sharing, distribution and management and community control of resources, which would create an empowering environment for both women and men.

86. To ensure women's participation, without discrimination, in the political and economic life of society, all debts need to be cancelled.

87. The signing of the GATT agreement by Governments will destroy local food economies, entrench the power of multinational corporations, force local/indigenous peoples to disown their knowledge through patents and intellectual property rights and displace subsistence farmers/labourers, who are mostly women. Therefore, the Council calls upon Governments not to sign the GATT agreement. There is also an urgent need for the establishment of an alternative fair market system.

88. The existing paradigms and notions related to science and technology should be reviewed. Women's indigenous knowledge in agriculture, health, food preparation and conservation of the environment has not been recognized and built upon. Women's indigenous knowledge should serve as a basis for the creation of appropriate technology to meet the basic needs of societies and for the formulation of alternative paradigms based on sustainable development.

89. The Green Revolution is responsible for monocultures of crops that have become vulnerable to pests and have led to depletion of biodiversity. It has also intensified the use of hazardous pesticides and chemical fertilizers and the subsequent human suffering and environmental degradation. With the Green Revolution, peasant women in the Asian and Pacific region are forced to grow cash crops, use expensive technology, import cheap food products, and are pushed in numerous ways off their lands. In Asia and the Pacific, sustainable agriculture has been practised for centuries and has been linked holistically with all other parts of people's lives and environment. To revive the knowledge that has been eroded by the Green Revolution, the Council calls for an alternative agriculture that ensures food security; is economically viable, environmentally sound, socially just and humane; and empowers women by guaranteeing their human rights.

90. National development policies and strategies have led to militarization of society and involvement in the international arms trade. National defence budgets are higher than budgets for social welfare and development. The allocations for women and children have been minimal. Military force is employed to appropriate land and other natural resources for private enterprise and State use. This had led to increased violence against women. Therefore, the Council calls upon Governments to (a) immediately reduce military budgets in favour of reallocations for social welfare and community development; (b) end the international arms trade; and (c) involve women directly in local, national, regional and international conflict-resolution processes and monitoring mechanisms in relation to peace-keeping activities and negotiations.

91. Development strategies, such as "urbanization" and "modernization" have displaced women and communities and deprived them of their livelihoods and shelter needs. Such strategies, in fact, constitute infrastructure building for the free market economy. The basic human right to shelter must not be integrated with "overall urbanization strategies" which are generally funded by the World Bank, as they only lead to eviction of inhabitants of slums and squatter settlements and to indiscriminate displacement of rural and indigenous communities, in particular women, who have increasingly become heads of households. Poor women's shelter and housing needs, whether rural, urban or plantation, must be met by recognizing women's right to life, livelihood and employment.

92. The over-consumption by developed countries, where 80 per cent of the world's resources are consumed by 20 per cent of the population, has left women in developing and least developed countries with decreasing options, and in increasing destitution, violence and threat to life. Women have borne the brunt of the population crisis by being subjected to enforced and harmful contraceptive technologies practised in the guise of population control. Immediate measures must be taken to review family planning programmes and to develop alternative programmes and strategies that ensure women's rights to self-determination in reproduction and provide a holistic range of reproductive education and choices.

93. In summary, the Council's concept of sustainable development goes beyond the production of environmentally friendly and organically produced foods and products. Sustainable development means a way of life in which communities' access and control over resources, as well as decision-making processes, ensure democratization of society and the total empowerment of women. Sustainable development involves the process of evolving sustainable lifestyles, consumption habits and waste management.

INTERNATIONAL COUNCIL OF ENVIRONMENTAL LAW

94. As lawyers, the members of the International Council of Environmental Law are of the view that the implementation of the right to development can be facilitated by the inclusion of this concept in binding legal documents. In conjunction with the Commission on Environmental Law of the International Union for Conservation of Nature and Natural Resources (IUCN), the Council has been developing a draft international covenant on environment and development.

This is intended to be adopted by the global community as a binding legal instrument, and will be presented to the United Nations on the occasion of its fiftieth anniversary.

95. At the last meeting of the Drafting Committee earlier this month to finalize the text, it was recommended that the following reference be made to the right to development:

Article 6

RIGHT TO DEVELOPMENT

The exercise of the right to developmen. entails the obligation to meet the developmental and environmental needs of humanity in a sustainable and equitable manner.

STEERING COMMITTEE FOR HUMANITARIAN RESPONSE

96. The Steering Committee for Humanitarian Response, is an alliance for voluntary action of seven major international NGOs. Caritas Internationalis, Catholic Relief Services, International Federation of Red Cross and Red Crescent Societies, International Save the Children Alliance, Lutheran World Federation, Oxfam and World Council of Churches.

97. As organizations active in every continent of the world with many decades of experience in community-level development, we are deeply concerned with the growing threat posed by anti-personnel land-mines to sustainable development. The use of and the legacy from these weapons constitute a serious obstacle to the implementation and realization of the Declaration on the Right to Development, as well as an infringement of many other fundamental human rights. We therefore urge the Working Group on the Right to Development to give serious attention to anti-personnel land-mines as a significant obstacle to development.

98. "Eternally vigilant" long after conflict has ceased, anti-personnel mines are located primarily in the developing world. Future generations will live in fear of mines, be killed or injured by them, and spend enormous time, energy and resources trying to eliminate mines from their communities.

99. The widespread and indiscriminate use of anti-personnel mines in the past 15 years has had, and will have for years to come, significant and life-endangering effects on civilians in post-conflict situations in numerous countries.

100. The key points which characterize this threat to human development are that anti-personnel mines:

(a) Cannot distinguish between civilians and combatants;

(b) Cause unnecessary suffering to civilians;

(c) Are indiscriminately used during conflict and have indiscriminate effects, particularly in post-conflict situations; and

(d) Have major effects in post-conflict situations on civilians who stayed behind and on returning refugees and displaced people, putting them at serious risk of disabling injury or death, permanently affecting their societies and economies with the burden of large numbers of disabled people, immobilizing large areas of agrarian and other lands or making them extremely hazardous to use, significantly raising the costs of reconstruction, and creating a climate of fear.

101. A recent authoritative study of 155 countries has revealed that 51 countries have post-conflict mine problems, threatening injury and death to civilian populations which may require international assistance in medical and/or de-mining services. Of these, nine countries suffer from a very severe threat: Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Eritrea, Ethiopia, Iraq, Mozambique, Somalia and Sudan. A significant threat is posed to 19 countries.

102. There is real potential for a rapid increase in the impact of anti-personnel mines in 10 to 12 countries. Ongoing conflict or the failure of peace talks suggest that this could well be the case in Afghanistan, Angola, Armenia, Azerbaijan, Bosnia and Herzegovina (and other parts of former Yugoslavia), Cambodia, Georgia, Liberia, Russia, Sudan and Tajikistan. Growing or ongoing insurgency in Colombia, Peru and Myanmar could move in this direction as well. The rapidity with which anti-personnel mines can be obtained and spread is exemplified by the situation in Bosnia and Herzegovina where 1.5 million mines are believed to have been placed within the first 18 months of the conflict.

103. A few of these problems with mines date back to both world wars or not-so-distant wars of independence, but most are of recent origin. Estimates of the worldwide number of anti-personnel mines settle out at 200 million, of which some 100 million are in place and 100 million are in stock.

104. De-mining must be recognized as a priority development issue and the proposal for a United Nations trust fund to finance mine clearance should be turned into concrete action. Further, the arguments for limiting the use of anti-personnel mines, or going further and banning their manufacture, export or use, should be seen as essential arguments concerning human rights, not disarmament.